THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9037 of 2007

05.6.2007

Between:

A. Ratan Raju, S/o.late Sri A.Sree Rama Murthy Garu

... Petitioner

AND

The Government of Andhra Pradesh,
rep. by its Principal Secretary, Revenue Department,
Hyderabad, and others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner purchased plot No.168 admeasuring 226.50 Sq. yards under a registered sale deed dated 03.6.1997 from M/s.Ravi Cooperative Housing Society Limited (hereafter called, the society). The land is comprised in survey No.74/3 situated at East Marredpally in Secunderabad. He obtained building permission vide proceedings in CBR No.11(25) on 14.9.2004 under Section 181(1) of the Cantonments Act, 1924, and commenced the construction. He alleges that respondent No.3, namely, the Mandal Revenue Officer (MRO), East Marredpally, started interfering with construction activity on the ground of pendency of L.G.C.No.167 of 1997 filed by him (MRO) before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (hereafter called, the Special Court). Therefore, he filed the present writ petition alleging that he is not a land grabber, that the society sold the land which was purchased by it under registered document No.1081/1997 and that he being not a party to L.G.C., interim orders passed by the Special Court are not binding on her.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (Assignment) opposed the writ petition contending that the petitioner was arrayed as a party respondent to L.G.C.No.167 of 1997 and therefore, the order of injunction passed by the Special Court prohibiting any construction operates against him. This is disputed. The learned Government Pleader also produced a copy of the order in W.P.No.19568 of 2005 dated 06.9.2005 passed by this Court ordering *status quo* regarding the possession and the construction.

In many such cases filed before this Court alleging interference by the revenue authorities in respect of the land comprised in survey No.74 (various sub-divisions), this Court passed the following order.

> Accordingly, the writ petition is disposed of in the following manner. The Mandal Revenue Officer, Marredpally shall file application before the Special Court for impleading the petitioners in L.G.C.No.167 of 1997 within a period of four weeks from the date of receipt of a copy of this order and obtain appropriate orders against the petitioners. Till then, the Mandal Revenue Officer shall not in any manner disturb the possession of the petitioners. Further, in view of the orders of injunction granted by the Special Court on 08.12.1998, as referred to herein above, it would be appropriate to direct

status quo as on today with regard to possession as well as construction by the petitioners.

The writ petition is, accordingly, disposed of. No costs.

Learned counsel for the petitioner has brought to the notice of this Court a copy of the order dated 01.11.2002 passed by this Court in W.P.No.21825 of 2002. By the said order, W.P.No.21825 of 2002 was disposed of observing that the revenue officials shall not interfere with the possession of the petitioner therein and that the person claiming ownership is bound by any decision of the Special Court in L.G.C. as the vendor society was a party in the said proceedings. In this case, the petitioner obtained sanction on 28.10.2004 and commenced construction recently. Though this Court is not inclined to pass any order regarding construction, following the order passed by this Court in W.P.No.21825 of 2002 dated 01.11.2002, this writ petition is also disposed of directing the respondents not to interfere with the possession of the petitioner. It shall, however, be open to MRO to implead the petitioner herein, if not already impleaded, in the pending L.G.C. and seek appropriate orders from the special Court. This Court further requests Special Court constituted under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, to dispose of LGC No.167 of 1997 expeditiously whether or not the petitioner is impleaded by the revenue officials.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

June 05, 2007
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